

**ANCIENT
CRIMINAL TRIALS
IN SCOTLAND.**



**VOL. I.—PART II.
1542—1584.**

that ane stout woman com in to hir, and sat down on the forme besyde hir, and askit ane drink at hir, and sche gaif hir; quha alsua tauld hir, that that barne wald de, and that hir husband fuld mend of his seiknes. The said Bessie answerit, that sche remembrit wele thair of; and Thom said, That was the Quene of Elfame his maistres, quha had commandit him to wait vpoun hir, and to do hir gude.¹—(21.) INTERROGAT, Gif euir sche had spokin with him at ane loich and wattir-fyde? Answerit, Neuir save anis that sche had gane afeild with hir husband to Leith, for hame bringing of mele, and ganging afeild to teddir² hir naig at Restalrig-loch, quhair thair come ane cumpanye of rydaris by, that maid sic ane dynn as heavin and erd had gane togidder; and incontinent, thair raid in to the loich, with mony hiddous rumbill. Bot Thom tauld, It was the gude wichtis that wer rydand in Middil-zerd.³—(22.) INTERROGAT, Quhene sche spak last with Thom? Declarit, On the morne eftir Candilmes-day lastwas, quhair sche spak with him, and he tauld hir of the evill weddir that was to cum.⁴—(23.) INTERROGAT, Gif sche neuir sperit, quhat truble fuld cum to hir for his cumpanye? Declarit, That sche wald be trublit thairfoir; bot baid hir seik ane affyis of hir nychtbouris, and no thing fuld aill hir:—forder declarit, that sche fuld be brocht to Glasgw, and sche come in the Bischopis handis, sche wald be wele treit, and send hame agane.⁵—(24.) ITEM, the said Bessie declaris, that the Lard of Auchinskeyth⁶ is rydand with the ffair-folk,⁷ albeit he deit ix 3eir syne.⁸

APUD *Dalkeyth*, xx^{mo} *Septembris*, anno 1576.—(25.) BESSYE DUNLOP being re-examinat, in presence of the Lard of Quhittinghame and George Auchinlek of Balmanno, and being inquirit, Quhow oft Thom Reid come to hir, or⁹ sche inquirit quhow thair callit him? Deponis, That he com thryis, and that sche had na power at na tyme, to try or tell ony vthir, in the menetyne, of his cuming. He requirit hir fundrie tymes to pas with him, and becaus sche refusit, he schuke his heid, and said that he fuld caus hir forthink it.¹⁰ Deponis forder, that sche has spokin with him at diuerse tymes, be the space of four 3eiris.¹¹—(26.) BEING inquirit anent the pleuch-irnis, stollin fra Henrie Jamefoun and James Baird,¹² depones, That sche inquirit at Thom Reid, quha declarit to hir, that Gabriell Blak and Geordie Blak in Lokarsyde staw thame, and brocht thame to thair faderis hous, namit Johnne Blak, vpoun ane cuttit gray horse,¹³ on ane Setterday, in the nycht; quhilk sche tauld agane to the saidis Henrye Jamefoun and James

¹ 'Confessit and fylit.'² *Tether*, or tie to a stake at pasture.³ 'Confessit and fylit.'⁴ 'Confessit and fylit.' ⁵ 'Confessit and fylit.' *If* she came into the Bishop's hands, &c. See Article 13.⁶ In the Record of Retours, Jul. 29, 1629, James Dunlop, advocate, is retoured as heir to Archibald Dunlop of Auchinskeyth, '*proavi*,' (i.e. his great-grandfather, the father of his grandfather,) in the 20s. lands of old extent of Smythstoun, &c. It is likely, therefore, and more especially so from the coincidence of the name *Dunlop*, that this was the Laird here alluded to.⁷ The fairies. See Article 27. ⁸ 'Confessit and fylit.' ⁹ Before, *ere*. ¹⁰ See Articles 4 and 6, &c. ¹¹ 'Confessit and fylit.'¹² See Article 12.¹³ Grey gelding.

Baird.¹—(27.) ITEM, deponis that four 3eir fyne, or thairbye, sche saw the Laird of Auchinkeyth, at a thorne,² beyond Monkcastell; quhilk Lard deit mair nor fyve 3eir fyne. Thaireftir, sche, at the defyre of the Ladye Auchinkeyth, inquirit at Thom Reid, Giff sic ane mann was amangis thame? Quha anfuerit, That he was amangis thame.³

ASSISA.

Andro Craufurd of Baithlem,	Henrie Clerk in Cokeydail,	James Harvye in Kilburnie,
Hew Hommyll in Kilburne,	Johnne Knok in Kilcuse,	Robert Roger thair,
Thomas Gawand thair,	James Aitkin in Balgrene,	Johnne Boyde in Gowanlie,
Cuthbert Craufurd in Kilburnie,	Johnne Or in Barnauch,	Johnne Cochrane in the Manys of Bar,
Hew Dunlop of Crawfeild,	Thomas Caldwell in Bultreis,	Thomas Stewart of Flafwod.

VERDICT. And immediatlie efter the chesing and fwering of the saidis perfonis of Assyis, as vfe is, the said Elizabeth Dunlop, being on pannell, accusit be dittay oppinlie red in jugement, of the crymes aboue writtin; the samin perfonnes removit thame selffis furth of Court, and altogidder conuenit, and reflow-nit on the pointis of the said dittay; and being rypelie awyfit thairwith, and resolut thairin; re-enterit agane to the said Court of Justiciarie, and thair, in presence of the said Justice Depute, be thair deliuerance, pronunceit and declarit be the mouth and speking of Andro Craufurd of Baithleme, ffand and deliuerit the said Elizabeth Dunlop, to be culpable fylit and convict, off the haill pointis aboue writtin, and of vring of Witchecraft, Sorcerie, and Incantatioun, with Inuocatioun of spreittis of the devill, continewand in familiaritie with thame at all tymes, as sche thocht expedient, and thairbye deling with charmes, and abusing the peple, with hir devillische craft of forcerie foirsaid, be the meanis aboue specefeit.

SENTENCE. 'CONUICT, AND BRYNT.'

NOTE. Unfortunately, the sentence has not been recorded at length in the Books of Adjournal; but the terms of it most probably were, that she should be carried to the Castle-hill of Edinburgh, and there '*wirreit at ane staik*,' and thereafter her body to be 'brynt in assis,' and her whole moveable goods 'efcheit, and inbrocht to the kingis vfe.' There is merely a marginal marking on the Record, such as was usual at that period, viz. 'Conuict, and brynt,' and there is no reason to suppose that the sentence was mitigated.

[*Alexander Bannatyne, Justice-Depute.*]

Umbesetting of the High-way, &c.

NOV. 16.—JAMES WITHIRSPUNE of Brighous.

Dilatit of the vmbefetting⁴ of the hie gait to Williame Park younger in

¹ 'Confessit and fylit.' ² The 'thorne' here alluded to, was a fairie's trysting-tree or imp-tree. Thorns have ever been favourite trysting-places, as well for lovers as 'brounies,' and 'the guid wichtis,' or 'guid nichtbouris.' ³ 'Confessit and fylit.' See Article 24. ⁴ This is usually rendered in the Record, *obsidiatio vici regij*, a besieging, obstructing, or besetting of the high way.